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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
ANWAH, OLISA	
ART UNIT	**PAPER NUMBER**
2645	

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/473,667	QUINN ET AL.	
	Examiner	Art Unit	
	Olisa Anwah	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 September 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-81* is/are pending in the application.

4a) Of the above claim(s) *1-41* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *42-82* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (e) the invention was described in-
> (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
> (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 42-47, 49-56 and 58-81 are rejected under 35 U.S.C. § 102(e) as being anticipated by Son et al, U.S. Patent No. 6,212,408 (hereinafter Son).

Regarding claim 66, Son discloses a computer-readable medium (see 100 from Figure 1) on which is stored a computer program (see 114 from Figure 1) for controlling a telephone user interface (TUI), the TUI including a plurality of command modes (see 312 and 322 from Figure 5), the computer readable medium comprising:

a. logic configured to operate said TUI in a first one of said command modes (see 312 from Figure 5);

b. logic configured to receive a command signal from a user (see 314 from Figure 5);

c. logic configured to determine whether the received command signal corresponds to the first one of said command modes (see 320 from Figure 5);

d. logic configured to translate the received command signal to a format that corresponds to the first one of said command modes, in response to determining that the received command signal does not correspond with the first one of said command modes (see lines 5-15 of column 3); and

e. logic configured to operate the TUI in a second mode that corresponds to a format associated with the received command signal, in response to determining that the received command signal does not correspond with the first one of said command modes (see 322 from Figure 5).

Regarding claim 67, see 322 from Figure 5.

Regarding claim 68, see Figure 5.

Regarding claim 69, Son discloses a method in an integrated computer telephony system (see 100 from Figure 1) providing a

telephone user interface (TUI), said TUI having a pair of command modes (see 312 and 322 from Figure 5), the method for toggling between said command modes (see 312 and 322 from Figure 5), comprising the steps of:

a. operating said TUI in a first one of said command modes (see 312 from Figure 5);

b. receiving a command signal from a user (see 314 from Figure 5);

c. determining whether the received command signal corresponds to the first one of said command modes (see 320 from Figure 5);

d. translating the received command signal to a format that corresponds to the first one of said command modes, in response to determining that the received command signal does not correspond with the first one of said command modes (see lines 5-15 of column 3); and

e. operating the TUI in a second command mode that corresponds to a format associated with the received command signal for a subsequent command signal, in response to determining that the received command signal does not correspond with the first one of said command modes (see 322 from Figure 5).

Regarding claim 70, see 320 from Figure 5.

Regarding claim 71, Son discloses a method in a program (see 100 from Figure 1) operating within a telecommunications system and having access to a TUI, said TUI having a pair of command modes (see 312 and 322 from Figure 5) for controlling said TUI and providing a plurality of options to be implemented through the telecommunications system, the method for controlling said command modes (see 312 and 322 from Figure 5), comprising the steps of:

implementing one of the said command modes to initially control said TUI (see 312 from Figure 5);

in response to a command signal issued by a user after a call is connected (see column 8, lines 60-65), translating the command signal into a format corresponding to the activated command mode (see 314 from Figure 5); and

toggling, by said TUI, of said command modes wherein said toggling is initiated by interrupting (see 320 from Figure 5) the operation of one of said command modes while one of said command modes is controlling said TUI, activating the other of said command modes, and resuming control of said TUI while in the other of said command modes for a subsequent command signal (see 322 from Figure 5).

Regarding claim 72, see Figure 5.

Regarding claim 73, see column 6, lines 45-50.

Regarding claim 74, see 320 from Figure 5.

Regarding claim 75, see 320 from Figure 5.

Regarding claim 76, see column 6, lines 45-50.

Regarding claim 77, Son discloses a computer system (see 100 from Figure 1) for toggling command modes (see 312 and 322 from Figure 5) of a telephone user interface (TUI) having a first (see 312 from Figure 5) command mode and a second command mode (see 322 from Figure 5), said computer system comprising:

a processing unit (see 104 from Figure 1);

a memory storage device operative to store a program implementing said TUI (see 114 from Figure 1);

an interface device (122) coupled to said processing unit for receiving a call,

said processing unit response to instructions in said program and being operative to:

prompt for a command signal after a call is connected (see column 8, line 25);

activate said first command mode associated with said command signal (see 312 from Figure 5);

control said TUI while in said first command mode (see 314 from Figure 5);

receive a subsequent command signal from a user, the subsequent command signal corresponding to a second command mode (see 320 from Figure 5);

translate the subsequent command signal into a format that corresponds to the first command mode (see liens 5-15 of column 3);

interrupt the first command mode in response to receiving a subsequent command signal from a user to activate the second command mode associated with said subsequent command signal in place of said first command mode; and

resume operation of said TUI by utilizing said second command mode for a subsequent command signal (see 322 from Figure 5).

Regarding claim 78, see column 6, lines 45-50.

Regarding claim 79, see column 6, lines 45-50.

Regarding claim 80, see column 6, lines 45-50.

Regarding claim 81, see 322 from Figure 5.

Regarding claim 42, Son discloses a telephone user interface (TUI) configured to receive a command signal (see

abstract) after a call is connected (see column 2, lines 45-65), the TUI comprising:

first command mode logic (see 312 from Figure 5) for receiving a first type command signal from a user in association with an option of a first menu structure of options, said first command mode logic having an active status and an inactive status;

second command mode logic (see 322 from Figure 5) for receiving a second type command signal from the user in association with an option of a second menu structure of options, said second command mode logic having an active status and an inactive status, said options of said first menu structure logically associated with said options of said second menu structure;

determination logic (see 320 from Figure 5) configured to determine whether a received command signal correlates with the control mode logic that is currently associated with inactive status;

translation logic (see lines 5-15 of column 3) configured to translate the received command signal into a format associated with the control mode logic that is currently associated with the active status, in response to the determination that the received command signal corresponds to

the control mode logic that is currently associated with inactive status; and

switching logic configured to toggle the first command mode logic (see 312 from Figure 5) and second command mode logic (see 322 from Figure 5) between active and inactive status in response to the translation logic translating the control signal,

wherein said active status of the second command logic correlates with the inactive status of the first command logic, and wherein the inactive status of the second command logic correlates with the active status of the first control logic (see Figure 2).

Regarding claim 43, see 312 from Figure 5.

Regarding claim 44, see Figure 5.

Regarding claim 45, see Figure 5.

Regarding claim 46, see column 8, line 31.

Regarding claim 47, see Figure 5.

Regarding claim 49, see column 8, line 31.

Regarding claim 50, see column 8, line 31.

Regarding claim 51, see column 8, line 31.

Regarding claim 52, see column 8, line 31.

Regarding claim 53, Son discloses a telephone user interface (TUI) configured to receive a command signal (see abstract) after a call is connected (see column 2, lines 45-65), comprising:

voice-based command logic configured to receive a vocalized command signal from a user in association with a voice option of a menu structure of voice options, said voice-based command mode logic having an active status and an inactive status (see column 2, lines 45-65);

tone-based command mode logic (see 322 from Figure 5) configured to receive a tonal command signal from the user in association with a tone option of a menu structure of tone options, said tone based command mode logic having an active status and an inactive status, said voice options logically associated with said tone options; and

determination logic (see 320 from Figure 5) configured to determine whether the received command signal corresponds to the control mode logic that is currently associated with inactive status;

translation logic (see lines 5-15 of column 3) configured to translate the received first command signal into a format corresponding to the control mode logic that is currently

associated with the active status, in response to the determination that the received first command signal corresponds to the control mode logic that is currently associated with inactive status; and

switching logic configured to toggle the voice-based command mode logic and tone-base command logic between active and inactive (se Figure 2).

Regarding claim 54, see column 8, line 31.

Regarding claim 55, see column 7, line 20.

Regarding claim 56, see Figure 5.

Regarding claim 58, Son discloses a method in a telephone user interface (TUI) configured to receive a command signal after a call is connected (see column 2, lines 45-65), the TUI including a tone-based command mode (see 322 from Figure 5) having a menu structure of tone options and a voice-based (see 312 from Figure 5) command mode having a menu structure of voice options, wherein the tone-based command mode has an active status and an inactive status and the voice-based command mode has an active status and an inactive status (see Figure 2), said method comprising the steps of:

a. operating the TUI with a command mode that corresponds to active status (see 312 from Figure 5);

b. receiving a command signal from a user (see 314 from Figure 5);

c. determining whether the active command mode correlates to the command signal (see 320 from Figure 5);

d. in response to determining that the received command signal does not correlate with the active command mode, translating the received command signal into a format that corresponds to the active command mode (see lines 5-15 of column 3);

e. in response to translating the received command signal, toggling the tone-based command mode and the voice-based command mode between active status and inactive status (see 322 from Figure 5).

Regarding claim 59, see Figure 5.

Regarding claim 60, see Figure 5.

Regarding claim 61, see Figure 5.

Regarding claim 62, see Figure 5.

Regarding claim 63, see Figure 5.

Regarding claim 64, see Figure 5.

Regarding claim 65, see column 8, line 31.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 48 and 57 are rejected under 35 U.S.C § 103(a) as being unpatentable over Son in view of Hunt et al, U.S. Patent No. 6,094,476 (hereinafter Hunt).

As per claims 48 and 57, Son doesn't explicitly say the TUI is situated at a central office. All the same, Hunt reveals this limitation (see 20 from Figure 1). For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Son with the central office of Hunt. This modification would have improved the portability of Son by allowing computer programs to be received via communications interface 524 as suggested by Son (see line 4 from column 17).

Response to Arguments

5. Applicant's arguments have been considered but are deemed to be moot in view of the new grounds of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 571-272-7533. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and 571-273-8300 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

O.A.

OVIDIO ESCALANTE
PATENT EXAMINER

Olisa Anwah
Patent Examiner
November 18, 2005

Ovidio Escalante